

PATENT

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Claims 1-13 were pending and considered. In an Office Action designated as "Final," claims 1-13 were rejected. This Amendment is being filed together with a Request for Continued Examination. Claims 1 and 8 are amended hereby. Upon entry of this amendment, claims 1-13 remain pending. Reconsideration and allowance are respectfully requested.

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,487,465 (Broskow). Claims 4-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Broskow in view of U.S. Patent 6,415,917 (Marco).

In response to these rejections, claims 1 and 8 have been amended. Accordingly, Applicants are of the opinion that claims 1 and 8 recite an invention neither taught by nor obvious from the prior art and should be allowed. Further, claims 2-7 and 9-13, which depend from claims 1 and 8, respectively, should also be allowed. Reconsideration and allowance of all pending claims are respectfully requested.

Broskow teaches a container carrier preferably formed by joining two separate sheets together, but also a single sheet may be used by folding the sheet in half and fusing (column 3, lines 40-46). Container engaging portions 22, 24 are joined by a seam or joined portion 26 at 25 and freely depend therefrom (column 2, lines 39-48). In the preferred method of forming the carriers, sheets 58 and 60 are combined together, and apertures 32 are formed (column 4, lines 30-48). Thus, as can be seen clearly from Figs. 2, 4 and 5, each of the sheets forms a part of the container engaging portion and a part of the handle.

Applicants argued in a previous response that Broskow fails to teach "providing a handle sheet and a carrier sheet" as recited in claim 1 and that Broskow does not teach a separately identifiable handle sheet and a separately identifiable carrier sheet since each sheet forms part of the handle and part of the carrier. In responding to this argument, the Examiner stated an opinion that the original claim language was not specifically limited in the manner argued by Applicants. Accordingly, claim 1 has now been amended to recite "forming a container holding portion in the carrier sheet, including forming first and second rows of container receiving apertures in the carrier

sheet". Accordingly, Applicants respectfully submit that claim 1 clearly recites a method in which a forming step includes forming a container holding portion with two rows of container receiving apertures, formed in one sheet, referred to in claim 1 as the carrier sheet. Further, claim 1 has been amended to recite forming a handle portion in the handle sheet, which clearly is a different sheet than the carrier sheet. Thus, claim 1 differentiates between a handle sheet and a carrier sheet, with a step of forming a container holding portion in the carrier sheet, including forming first and second rows of container receiving apertures; and another step of forming the handle portion in the handle sheet.

Accordingly, with respect to claim 1 as amended, Applicants reiterate the argument made in the last response, that at least the following differences are apparent between the teaching of Broskow and the recitations of amended claim 1:

1. Broskow teaches forming the container holding apertures in each of two different sheets, or forming the entire carrier from a single sheet folded upon itself. When two sheets are used, only one row of apertures is provided in each sheet of Broskow. Claim 1 recited a process that includes forming two rows of container receiving apertures in one sheet and forming a handle from a different sheet. Accordingly, Broskow does not anticipate claim 1.
2. The teaching of Broskow to form a part of the handle and a part of the carrier in each of two sheets does not anticipate the invention recited in claim 1 which has the carrier formed in the carrier sheet and the handle formed in the handle sheet. Accordingly, Broskow does not anticipate claim 1.
3. Claim 1 requires a step of forming holes in the handle sheet that are in substantially the same configurations as the container receiving apertures in the carrier sheet. Broskow teaches configurations for the holes in the handle portion that are of substantially different shape than the container holding apertures. Accordingly, Broskow does not anticipate claim 1.

Applicants respectfully submit that because of at least the differences noted above Broskow cannot be held to anticipate claim 1. Further, however, Applicants respectfully submit that the